

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL J. HARRIS,

Petitioner,

v.

SEAN MOORE,

Respondent.

Case No. 1:22-cv-00601-BAK (EPG) (HC)

ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL WITHOUT
PREJUDICE

(ECF No. 8)

Petitioner Daniel J. Harris is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 5, 2022, Petitioner filed the instant request for appointment of counsel. (ECF No. 8).

There currently exists no absolute right to appointment of counsel in habeas proceedings. See, e.g., Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any stage of the proceeding for financially eligible persons if “the interests of justice so require.” See Rule 8(c), Rules Governing Section 2254 Cases. To determine whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

Petitioner argues that counsel should be appointed because he does not have a fair chance in the courts due to his ignorance of the law. Upon review of the first amended petition, the

1 Court finds that Petitioner appears to have a sufficient grasp of his claims and the legal issues
2 involved and that he is able to articulate those claims adequately. The legal issues involved are
3 not extremely complex, and Petitioner does not demonstrate a likelihood of success on the merits
4 such that the interests of justice require the appointment of counsel at the present time. If, upon
5 review of Respondent's response to the petition, the Court finds that the legal issues are more
6 complex than they appear currently, the Court will revisit Petitioner's request for counsel.

7 Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of
8 counsel (ECF No. 8) is DENIED without prejudice.

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10 IT IS SO ORDERED.

11 Dated: July 7, 2022

12 /s/ Eric P. Grogan
13 UNITED STATES MAGISTRATE JUDGE
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